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PATENT
Attorney Docket No. 144 P 022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Yiu Chau Chau

Serial No. 10/026,233

Filed: December 21, 2001

Examiner: Minh-Chau Pham

Art Unit: 1724

For: FAUCET WATER TREATMENT

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Shannon Wallace 4/23/04
Signature Date

REPLY TO FIRST OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
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Sir:

This is in reply to the first Official Office Action, mailed February 5 ,2004, in the above captioned application.

The present invention is directed to a faucet mounted water treatment unit and valve which permits the selection of several operating modes including service, spray and stream modes, and which is also back flushable. In each of these modes the water is treated by a treatment medium, except in the back flush mode in which the medium is flushed. In the unit and valve of the invention there are two discharges 60 and 76 and one of the discharges 60 has two openings 63 and 64. A stationary member 100 having a plurality of ports 101-105 and blind seals 108-112 is positioned in a chamber 58 to direct the water through the treatment media and to the appropriate discharges and/or openings as a switch member 160 is operated.

Two sets of claims were present in the application as filed. Claims 1-18 were directed to the valve itself, and the remaining claims 19-46 were directed to the combined treatment unit including the treatment housing containing the water treatment medium and the valve.

All of the claims in the application were rejected in the first Office Action as follows:

1. Claims 1-44 were rejected as obvious under 35 U.S.C. §103(a) over either RIBACK et al. (6,258,266) or BERTRAND et al. (5,823,229) in view of NGUYEN et al. (6,179,130); and

2. Dependent claims 45 and 46 were rejected as obvious under 35 U.S.C. §103(a) over either RIBACK et al. or BERTRAND et al. in view of NGUYEN et al., and further in view of BERKCAN et al. (6,474,155).

RIBACK et al. discloses a faucet mounted water filtration device which is only capable of two positions. One position is a filtered water position in which the inlet water passing from inlet 20 is diverted in a stationary diverter housing 32 which is in an outer housing assemblage 30 through the filter 126, and is discharged from an opening 24 as shown in FIG. 5. In the unfiltered water position as shown in FIG. 4, the water bypasses the filter and it simply passes from the inlet 20 through the stationary diverter housing 32 to the outlet 22. RIBACK et al. contains no disclosure or suggestion of three outputs as in the present invention - - spray, stream and service, or that two of the outputs pass through a first discharge that has two openings, one for each of the outputs as set forth in each of the broadest claims in the application. In fact, RIBACK et al. only discloses two outputs, a filtered output and an unfiltered output contrary to the present invention in which each of the three outputs are filtered or treated as set forth in claim 19. Moreover, RIBACK et al. fails to disclose a number of features in the dependent claims which have been rejected thereon, for

example, that the stationery member is a gasket as in claims 2 and 20, that the stationary member includes seals which block flow between the inlet and certain outlets in claims 3 and 21, the cap having small and large openings of claims 5 and 23, etc.

The other primary reference relied upon in the rejection of the claims BERTRAND et al. also discloses a kitchen water faucet system, but which is a wand as shown in FIGS. 1 and 2, and the filter 360 is in the wand body 80. The buttons 204, 206 and 208 on the wand may be manipulated to produce three outputs - - stream, spray and filtered. However, each of these outputs appear to issue from the same discharge 482 unlike in the claimed invention. The controls for these three outputs appear to be in what is the called the PCB assembly 200 shown in FIGS. 4 and 5. However, there does not appear to be any stationary member within a housing as claimed. And again, the only output which is filtered is the service output, and the spray and stream outputs are unfiltered contrary to the present invention. And again, it appears that a number of limitations appearing in rejected dependent claims are not present in the BERTRAND et al. wand.

Although as previously discussed neither RIBACK et al. nor BERTRAND et al include the stationary member 100 as claimed in the present application, the position was taken in the last Office Action that RIBACK et al. and BERTRAND et al. each disclose a stationary member of some sort in a housing but not a stationary member that has a plurality of openings therethrough as called for in all of the claims. Therefore, NGUYEN et al. was relied upon as a secondary reference purportedly for the disclosure of a stationary member in a chamber having a plurality of openings therethrough and wherein some of which align with the inlet for water and some of which align with the discharge for water.

NGUYEN et al. also discloses a very elaborate faucet spout assembly which has one discharge for unfiltered water and another discharge for filtered water. In NGUYEN et al. if the water is to be filtered, it passes through the filter cartridge 126 and then into a rotatable valve at the

left as shown in FIGS. 19 and 20, from where it is discharged through discharge 66 as filtered water. If unfiltered water is desired, the valve 210 is rotated, and as shown in FIGS. 21 and 22, the water passes through the annular passage between the filter cartridge 126 and the housing 56, and is discharged from the aerator 64 after passing through the rotatable valve 210.

Again, NGUYEN et al. discloses nothing about spray and stream outlets. Even more significantly, applicant does not see any elements which would constitute the reason that NGUYEN et al. was relied upon, *i.e.* because NGUYEN et al. purportedly discloses a stationary member in the chamber having a plurality of openings therethough or in which some align with the inlet for water and some of which align with the discharge for water. When viewing the operational FIGS. 19-22 of NGUYEN et al, no elements whatsoever are seen that might constitute a stationary member in a chamber, much less one having openings through it or otherwise. The rotatable control valve 210 appears to be positioned directly in the housing without any intervening stationary member as in the present invention.

Moreover, it is also noted that none of the above described prior art which has been relied upon in the rejection of the claims includes a slide member or is capable of back flushing as set forth in dependent claims 13-18, 30-35, 43 and 44.

Finally, BERKCAN et al. was simply cited for a purported showing of a flow sensor as called for by dependent claims 45 and 46. However, BERKCAN et al fails to disclose or suggest the critical failures as discussed above of the principal references relied upon in the rejection of the claims.

Thus, when all of the prior art which has been relied upon to reject the claims is combined, the combination which results fails to include or suggest several of the claimed elements including but not limited to the stationary member in a chamber having openings which selectively align the

inlet with the several discharges to realize the four modes of the present invention - - spray, steam, service and back flush.

For the above reasons, it is respectfully submitted that all of the claims in the present application, claims 1-46, are in condition for allowance. Accordingly, favorable reconsideration and allowance are requested.

Respectfully submitted,

Dated: April 22, 2004

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